

III. REMARKS

Claims 1-7 and 19-31 are pending in this application. Claims 1, 4 and 5 are amended. Claims 19-31 are new. Claims 15-18 are canceled. Claims 8-14 were previously canceled. Claims 15-17 are rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-7 and 15-18 are rejected under 35 USC 102(e) as allegedly being anticipated by or in the alternative, under 35 USC 103(a) as allegedly being obvious over (PDR for Herbal Medicines, First Edition, *Salix Species*, pages 1111-1112, copyrighted 1998) (referred to herein as “PDR”) or (The Healing Herbs, The Ultimate Guide to the Curative Power of Nature’s Medicines, *White Willow*, pages 369-371, copyrighted 1991) (referred to herein as “Healing Herbs”).

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. REJECTION OF CLAIMS 15-17 UNDER 35 USC 112, Second Paragraph

With regard to the 35 USC 112, second paragraph, rejection of claims 15-17, in order to facilitate early allowance of the remaining claims and without conceding the Office’s rejections, claims 15-18 are canceled.

Applicant respectfully requests withdrawal of this rejection.

B. NEW CLAIMS 19-31

Applicant has added new independent claim 19 and new dependent claims 20-26. Support for claims 19, 20, 27, and 28 may be found, for example, in the specification at paragraph [0039]. Support for claims 21 and 29 may be found, for example, in the specification at paragraph [0035]. Support for claims 22 and 30 may be found, for example, in the specification at paragraph [0037] and declaration of co-inventor George Stefano, Ph.D ¶3. Support for claims 23 and 31 may be found, for example, in the specification at paragraph [0049]. Support for claim 24 may be found, for example, in the specification at paragraph [0036] [iv]. Support for claim 25 may be found, for example, in the specification at paragraph [0036] [v]. Support for claim 26 may be found, for example, in the specification at paragraph [0036] [vi].

Applicant respectfully submits that these claims are in condition for allowance.

C. REJECTION OF CLAIMS 1-7 and 15-16 UNDER 35 USC 102(e) and 103(a)

With regard to the 35 USC 102(e) and 35 USC 103(a) rejection over PDR or Healing Herbs, Applicant asserts that PDR or Healing Herbs do not teach each and every feature of the claimed invention and PDR or Healing Herbs do not suggest each and every feature of the claimed invention.

Applicant continues to assert the arguments presented in concerning the rejection of claims 1-7 in the Amendment filed on April 15, 2009.

Applicant respectfully requests that the Office withdraw the rejection of independent claim 1 and claims 2-7 which depend therefrom under 35 USC §102(e) and 35 USC §103(a).

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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